

S. C.

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/980,796	GORDON
	Examiner	Art Unit
	Gregory R. Del Cotto	1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Appeal Brief filed 5/18/04.
2.  The allowed claim(s) is/are 11-30 renumbered 1-20.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 7/23/04.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.



Gregory R. Del Cotto  
Primary Examiner  
Art Unit: 1751

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Upite on July 23, 2004.

The application has been amended as follows:

#### **The Claims:**

In claim 11, line 22, delete "0.5" and insert – 1 --.

In claim 25, line 22, delete "0.5" and insert – 1 --.

In claim 27, line 25, delete "0.5" and insert – 1 --.

In claim 30, line 27, delete "0.5" and insert – 1 --.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Note that, Applicant's arguments presented in the Appeal Brief and the Examiner's Answer are sufficient to place the instant claims in condition for allowance. Additionally, after reconsideration and the Examiner's Amendment, the double patenting rejection of claims 11-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 of copending Application No. 09/655121, claims 39-54 of 09/890678 and claims 31 and 33-50 of 09/890676 as set forth in the final rejection has been withdrawn.

Of the references of record, the most pertinent are Meixner et al (US 6,083,898) and Boeckh et al (US 6,025,322).

Meixner et al teaches the use of crosslinked nitrogenous compounds which are soluble or dispersible in water and are obtainable by crosslinking of compounds containing at least three NH groups with at least bifunctional crosslinkers which react with NH groups, in detergents and cleaners, especially soil release agents. However Meixner et al do not teach the use of a transition metal-comprising dye protection system.

Boeckh et al teach polycationic condensates obtainable by condensing imidazole and epihalohydrins in a molar ratio from 1:0.8 to 1:1.1. These condensates are used as color transfer inhibiting and color release reducing additives. See Abstract. However, the Examiner asserts that the parts by weight for imidazole and epihalohydrin as recited by the instant claims would not fall within the molar ratio as disclosed by Boeckh et al. Additionally, nothing in Boeckh et al would point, direct, or motivate one of ordinary skill in the art to use the parts by weight of imidazole and epichlorohydrin as recited by the instant claims. Furthermore, Boeckh et al does not teach the use of a **transition-metal comprising** cationic condensate (i.e., transition metal-comprising dye protection system); there is no mention of a transition metal being part of the compound disclosed by Boeckh et al which is required by the instant claims.

None of the references of record, alone or in combination, teach or suggest a fabric care composition containing a fabric enhancement system, a transition metal-comprising dye protection system, and the other requisite components of the

composition in the specific proportions as recited by the instant claims. Accordingly, since the prior art fails to teach or suggest such a composition as recited by the instant claims, the instant claims are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Gregory R. Del Cotto  
Primary Examiner  
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GRD  
July 24, 2004